



RECEIVED

MAY 1, 2007

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

LORETTA A. PRESKA
U. S. DISTRICT JUDGE
S. D. N. Y.
SUZETTE CORINNE RIVERA
Assistant Corporation Counsel
Phone (212) 788-9567
Fax (212) 788-9776
sriviera@law.nyc.gov

May 15, 2007

BY HAND

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: Felix Diaz v. The City of New York et al., 07 CV 2929 (LAP) (FM)

Dear Judge Preska:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and counsel for defendant City of New York ("City") in the above referenced matter. I write to respectfully request a sixty-day enlargement of time, from May 17, 2007, to July 16, 2007, within which the City may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time and is made on consent.

The complaint alleges, *inter alia*, that plaintiff Felix Diaz was falsely arrested, assaulted by police and that his car was confiscated. Before this Office can adequately respond to the complaint, we need to conduct an investigation into plaintiff's allegations. An enlargement of time will afford us the opportunity to investigate this matter.

In addition, upon information and belief, the records of the underlying action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office will promptly forward to plaintiff's counsel, for execution by plaintiff, a consent and authorization for the release of sealed records so that the information can be accessed, the case can be properly assessed and a response to the complaint can be framed.

Moreover, an enlargement will allow this office to ascertain whether the individually named defendant, Police Officer Thomas Calvin, has been served.¹ If service has been effectuated upon Officer Calvin, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. Officer Calvin must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, I respectfully request that the Court extend the City's time to answer or otherwise respond to the complaint until July 16, 2007.

Thank you for your consideration in this regard.

SO ORDERED

Suzette A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

May 17, 2007

Respectfully submitted,

[Signature]
Suzette Corinne Rivera (SR 4272)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX
Darmin T. Bachu, Esq.
127-21 Liberty Avenue
Richmond Hill, NY 11419
(718) 843-2192

¹ Although this Office does not currently represent Police Officer Thomas Calvin, and assuming he is properly served, this Office also respectfully requests this extension on his behalf in order that his defenses are not jeopardized while representational issues are being decided.